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Canada

Evaluation of Multilateral Labour Affairs

FINAL REPORT

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Evaluation of Multilateral Labour Affairs

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List of Acronyms

CAALL	Canadian Association of Administrators of Labour Legislation
ESDC	Employment and Social Development Canada
G7	Group of 7
G20	Group of 20
ILO	International Labour Organization
MLA	Multilateral Labour Affairs
OECD	Organization for Economic Cooperation and Development

Executive Summary

This report presents the findings of the evaluation of the activities of the Multilateral Labour Affairs (MLA) division within the Labour Program in Employment and Social Development Canada. This is the first evaluation of the program conducted since Canada became a member of the International Labour Organization (ILO) in 1919.[1]

The evaluation was undertaken to assess the program's relevance and performance in support of the Government of Canada's advancement of international labour standards and the protection of its trade interests to help ensure fair globalization, while also promoting human rights and social justice. Addressing these actions supports the fundamental rights and principles at work for Canadian businesses and workers, as well as workers from partner countries.

The program plays an important role in the development of Canada's positions on various international and domestic labour and trade issues. It is important that Canada (the program) provide input into such decisions and influence future directions as these also apply domestically. This is done through participation and organization of labour fora, provision of labour policy content to the development of various documents and agreements, advancement of the ratification, implementation and compliance of labour standards in Canada, and addressing Canada's various membership obligations to the International Labour Organization.

While the program is still developing in terms of articulating and measuring objectives and expected outcomes, it has some performance measures which reflect contribution towards the larger process of advancing labour issues domestically and internationally.[2] This includes the number of instruments that Canada has endorsed at the ILO and the progress made on their implementation in Canada, the number of domestic and international labour forums that the program prepares and/or attends, and the frequency that the program provides or develops labour-related advice and positions for federal departments.

Given that Canada is one among many international partners, it was not possible to isolate direct impacts of program activities on outcomes – specifically related to international and domestic labour and trade issues. The evaluation drew on evidence collected through the document review and key informant interviews (with federal, provincial and territorial officials and employee/employer organisations and ILO), which showed contributions of program activities to such outcomes.

In terms of context, in 2015 the program known as International Labour Affairs merged

[1] The creation of MLA division is recent and has been evolving under different names over the years.

[2] The issue of program performance measurement was further defined during the evaluation planning stage in consultation with the program (e.g. the preparation of the evaluability assessment document for the approval of the Performance Measurement and Evaluation Committee and the methodology report for the approval of the Evaluation Advisory Committee).

with the Intergovernmental Relations and Aboriginal Labour Affairs unit to form the current Multilateral Labour Affairs. As the evaluation covers activities from 2010-2011 to 2015-2016, this report focuses more on the international activities and places less emphasis on the domestic work with the provinces and the territories, which was a more recent emphasis. The next evaluation will cover program's activities both at the international level and domestic level with the provinces and territories as well as involvement with the Indigenous agreements.

The evaluation questions were related to the extent to which there is a continued need for the program, its objectives are aligned with Government of Canada priorities and responsibilities, as well as ESDC strategic outcomes. Finally, the evaluation assessed the degree to which the program activities contribute towards achieving its global expected outcomes in an efficient way.

This evaluation covered the following three areas of program activities in:

1) supporting the Government of Canada in meeting its international labour-related obligations with the International Labour Organization including:

a) coordinating and ensuring domestic discussions on the ratification process of the International Labour Organization conventions and recommendations, known as ILO instruments;
b) reporting to the International Labour Organization on the status of Canada's implementation of ratified and non-ratified instruments; and
c) developing Canada's negotiation positions in consultation with relevant stakeholders;

2) representing Canada and/or managing its representation at multilateral labour fora where international labour standards matters are discussed; and

3) providing input to federal departments on labour issues and standards on various agreements with foreign governments, agencies/organizations and Indigenous governments.

Given the nature of the program activities which do not target a specific clientele and its low risk and materiality, only a document review and key informant interviews were used as lines of evidence for this evaluation. The main products realized as a result of this first evaluation consist of a clear description of program roles, activities, its global expected outcomes (e.g., better informed labour policy decision-making, labour standards are adopted globally) and its relevance to the Government of Canada's trade and labour policies.

Key Findings

1. Both lines of evidence suggested that the program fulfills a unique role in advancing international labour engagements that aim to protect workers and employers both domestically and internationally. On behalf of Canada, the program represents and

participates in labour-related discussions at international and domestic multilateral fora which lead to: 1) the development of international labour standards that reflect Canada's values and interests; 2) Canada's ratification and implementation of international labour standards; 3) supervision of the application of ratified standards by other countries and fulfilling Canada's reporting obligations as part of that supervision; 4) guidance to the International Labour Organization on institutional governance, labour policy and technical cooperation; and 5) coherence on labour policy at various multilateral fora.

2. The program has been effective in coordinating Canada's ratification of four ILO conventions during the evaluation period, including one fundamental Convention,[3] while undergoing activities to ratify a fifth. The program also met its ILO reporting requirements related to Canada's implementation of ratified conventions and the status of unratified instruments.[4]

3. During this evaluation period, the program facilitated the annual process of consulting with various government, employer, and worker entities to develop Canada's positions at the international level. As well, the program facilitated the process that addresses complaints made to the ILO by Canadian workers' organizations against Canadian jurisdictions relating to fundamental principles and rights at work.[5] However, due in part to a lack of resources, the program was less involved in the Indigenous agreements related to self-government and land claims negotiation during the same time period.

4. The evaluation identified some challenges that the program is facing in carrying out its activities that support its global outcomes. For instance:

    1. The absence of performance measures means that a meaningful framework for understanding the program's mandate, objectives, activities, and expected outcomes are not available. As a result, key performance indicators with corresponding data collection activities have not been developed and thus, reporting and monitoring is limited.[6]
    2. The program experienced communication challenges with provincial, territorial, and federal government departments. This resulted in the program's ability to receive timely input to meet various international organizations' timelines; this had an implication for provinces and territories in remaining current on the federal government's priorities and direction.

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[3] The ILO's Governing Body has identified eight particular conventions that address subjects that are considered as fundamental principles and rights at work (e.g., *Forced Labour Convention (No. 029)*. As of the end of the evaluation period, Canada had ratified seven of the eight fundamental Conventions.

[4] With the exception of the 2014-2015 report being incomplete and late.

[5] ILO's Declaration on Fundamental Principles and Rights at Work (1998).

[6] As of October 2017 (after the end period of the evaluation) the program has developed a Performance Information Profile which includes indicators and a logic model – this framework will continue to be developed as indicators are related to data and reporting.

Recommendations

1. The program could improve communications with various domestic stakeholders in order to meet the reporting timelines.

2. The program could benefit from a thorough assessment of its resource requirements to ensure that Canada is represented at appropriate level(s) in international forums, while continuing to meet its other international and domestic obligations.

Management Response

Introduction

The Labour Program welcomes the evaluation and its value to program and policy development. The findings of the evaluation will be used to inform priority-setting and decision-making with a view to improving program performance and ensuring accountability. This will be particularly useful over the next evaluation period, given that the Multilateral Labour Affairs (MLA) Division had been subject to significant structural change over the course of the evaluation period addressed by the current evaluation.

The Labour Program notes that the key findings of the evaluation provide evidence that the program is meeting its intended goals and fulfilling its unique role by, inter alia:

1. advancing international labour engagements that aim to protect workers and employers both domestically and internationally;
2. effectively coordinating Canada's ratification of international Conventions on labour standards and meeting reporting requirements to international bodies; and
3. facilitating consultation processes with governments, employers and workers to develop Canada's positions at the international level.

At the same time, the evaluation found that the program was less involved in the Indigenous agreements related to self-government and land claims negotiations.

Subject to one caveat, the Labour Program agrees with Key Findings as set out in paragraphs 1, 2, and 3 of the Executive Summary. With respect to a lessened engagement on Indigenous agreements, the Labour Program agrees with the overall conclusion. While a lack of resources contributes to this trend, the Labour Program will work over the next evaluation period to improve engagement on Indigenous questions affecting the program's mandate.

The Labour Program notes that the Evaluation considers MLA's intergovernmental functions primarily through the lens of contributions to advancing Canada's international commitments. This may be a reflection of the creation of MLA late within the evaluation period. The intergovernmental functions, including as Secretariat to the Canadian Association of Administrators of Labour Legislation (CAALL), have a wider purpose and domestic objectives. The program intends to pursue this work stream in the next reporting period.

The evaluation also identified some challenges that the program faces in carrying out its activities and supporting its outcomes, such as:

a) The absence of performance measures means that a meaningful framework for understanding the program's mandate, objectives, activities, and expected outcomes

is absent. As a result, key performance indicators with corresponding data collection activities have not been developed and thus, reporting and monitoring is limited.

b) The program experienced communication challenges with provincial, territorial, and federal government departments. This affected the program in receiving timely input to meet various international timelines, while affecting the ability of the provinces and territories to remain current on the federal government's priorities and direction.

As part of the Government of Canada's new mechanisms for results-based management, MLA (as part of the International and Intergovernmental Labour Affairs Directorate) is in the process of developing a Performance Information Profile that provides a logic model as well as performance indicators to enable better reporting on its achievement of outcomes. To the extent possible, data collection is and has been a consideration in the development of the key performance indicators.

In addition, the Labour Program agrees with the identified challenges on communication with key stakeholders.

Recommendations

1. *The program could improve communications with various stakeholders in order to meet the reporting timelines.*

RESPONSE: The Labour Program has existing effective mechanisms for outreach to the various types of stakeholders both in terms of informing them of initiatives and in seeking their inputs, including for reporting purposes. The provision of timely and quality input by the various stakeholders largely depends on factors such as priority-setting, workload, and available resources of each implicated stakeholder, and is therefore beyond the control of MLA. Nevertheless, MLA will endeavour to elevate the level of communication with concerned stakeholders by using existing fora such as CAALL to draw attention at senior levels to Canada's obligations at the International Labour Organization. MLA will endeavour to work with provinces, territories, other federal departments and, as appropriate, social partners, to seek greater efficiencies in communications in order to ensure timely and complete reporting.

2. *The program could benefit from a thorough assessment of its resource requirements to ensure that Canada is represented at appropriate level(s) in international forums, while continuing to meet its other international and domestic obligations.*

RESPONSE: While the Labour Program is able to fulfil its obligations and facilitate representation at appropriate levels in international forums, we note the decreases in MLA's salary and non-salary operating budget and human resources over the evaluation period. Recognizing there is a continued and growing need for MLA's activities, the Labour Program will start a thorough assessment of MLA resources requirement in light of the Medium Term Strategic Planning exercise in order to identify resources and operational gaps.

1. Introduction

1.1 Evaluation Background

The Multilateral Labour Affairs division within ESDC's Labour Program and its activities have not previously been evaluated. As such, this is the first evaluation to assess the program's continued relevance and performance. It covers program activities undertaken from 2010-2011 to 2015-2016. Considering that the program lacks complete documentation on its objectives, activities and expected outcomes, the fundamental contribution of this evaluation is in providing a good description of the program's purpose, how it operates, and what it has achieved during the evaluation period.

The findings of this evaluation are based on a document review of the program and publicly available materials in order to obtain an understanding of MLA context, operations, mandate and its global expected outcomes. Fifteen key informant interviews were also conducted with officials from ESDC, other federal government departments, provincial/territorial government representatives; and non-government organizations (e.g., Canadian labour congress, Canadian Employers Council and International Labour Organization) to obtain their observations on the program's achievement of outcomes.

The key limitation of the evaluation includes the lack of documentation related to the program objectives, activities and expected outcomes due to the absence of a performance measurement strategy.[7] As per the Treasury Board 2016 *Policy on Results,* the program is required to create and complete its own Performance Information Profiles (PIPs) which is intended to be the definitive source for performance information to support monitoring and evaluation of the program.

1.2 Evaluation Objectives

The purpose of the evaluation was to assess the extent to which MLA activities are achieving their expected program outcomes, and supporting the Government of Canada in meeting its international and domestic obligations. The role of MLA's activities in advancing labour standards and promoting social justice and human rights issues through international and multilateral fora and domestically was also assessed. The evaluation matrix listing the evaluation questions and related lines of evidence is found in Annex 2.

[7] A draft logic model incorporating MLA activities and outcomes was developed at the end of the evaluation and is provided in Annex 1.

2. Program Background

The Multilateral Labour Affairs (MLA) division is part of the International and Intergovernmental Labour Affairs Directorate under the Policy, Dispute Resolution and International Affairs Branch of ESDC's Labour Program. Prior to restructuring in 2015, MLA was named International Labour Affairs. Its merger with Intergovernmental Relations and Aboriginal Labour Affairs within the same directorate resulted in the creation of the current MLA. Given that the evaluation covered the period from 2010-2011 to 2015-2016, it focuses on MLA's international affairs' aspects with less emphasis on the more recent domestic work with the provinces and the territories following the merger. With a total annual budget of approximately $1.2M and an estimated 12 full-time equivalents, MLA's primary responsibilities are to manage the international and intergovernmental labour affairs functions on behalf of the International and Intergovernmental Labour Affairs Directorate.

2.1 International Labour Affairs Function

The MLA division manages Canada's participation across various labour-related activities by supporting the Government's international positions at international fora (e.g., ILO, G7, G20, OECD) and other United Nation organizations, summits and events.

Within this context, the majority of MLA's activities relate to its role of representing Canada as a member State of the specialized United Nations agency and the International Labour Organization in order to:

- develop international labour standards in the form of legally binding international treaties, or conventions, as well as non-binding recommendations that are established at the annual International Labour Conference;
- participate in the Governing Body which sets the ILO's policy and the International Labour Conference agenda, and adopts the ILO's draft program and budget for submission to the International Labour Conference;[8]
- chair the 40 member Industrialized Market Economy Countries group for purposes of coordination of positions or information sharing among a wide like-minded group within the context of the ILO Governing Body and International Labour Conference;
- meet ILO member state obligations such as annual reporting on Conventions, and fully participating in the ILO's supervisory mechanisms of Conventions, as both the supervisor to other countries as well as being supervised;
- engage in discussion of labour and employment issues of global importance; and
- contribute to Canada's foreign policy objectives through these activities and in support on labour issues in other multilateral fora such as G7, G20, OECD, the Human Rights Council, and the International Covenant on Economic, Social and Cultural Rights.

[8] ILO: Governing Body: www.ilo.org/gb/lang--en/index.htm

In addressing its international responsibilities, the program regularly liaises with Global Affairs Canada both in Canada and at its permanent mission to the United Nations in Geneva. Similar exchanges take place with other federal departments, as needed.

On behalf of Canada, the program promotes international labour standards at home and abroad through its input on various international agreements related to trade or national issues such as Indigenous agreements. The program manages two Canada-China memoranda of understanding intended to maintain a constructive dialogue and support labour-related activities (see Annex 3). They provide opportunities to share Canadian values on labour rights and to strengthen respect for ILO's fundamental labour principles and rights.

2.2 Intergovernmental Labour Affairs Function

As per the *Constitution Act, 1867,* responsibility for labour matters is shared between the federal, provincial and territorial governments. As such, when Canada enters into international labour agreements (e.g., ILO conventions, trade agreements), implementation of their provisions typically falls to all three levels of government.

Through federal-provincial-territorial consultations, MLA seeks to coordinate the implementation of provisions, develop Canada's position on international labour standards and obtain agreement before ratifying conventions. MLA also coordinates the Government's response, through collaboration with the Canadian Labour Congress, the Confédération des syndicats nationaux, and the Canadian Employers' Council on ILO issues such as the ratification of conventions.

To support the federal-provincial-territorial intergovernmental process and discussions, MLA functions as the Secretariat to the Canadian Association of Administrators of Labour Legislation (CAALL). The Secretariat holds the federal-provincial-territorial deputy ministers' labour forum for collaboration and coordination that precedes the annual federal-provincial-territorial meetings of Labour Ministers. The CAALL also serves as a forum for roundtables and workshops that can bring together federal-provincial-territorial government officials, and may also include social partners and international organizations when appropriate.

Dialogue at the CAALL addresses such issues as the ratification of ILO conventions by Canada and the promotion of national interest at the ILO. To enhance Canada's participation at the ILO, the Ministers endorsed a *Federal-Provincial-Territorial Strategy on Canada and the ILO* and Action Plan in 2008. The Strategy is designed to provide an integrated framework on Canada's work at the ILO. More specifically, it includes improving Canada's ratification record, strengthening its responses to freedom of association complaints, and better advancing its positions on questions related to ILO reform. The Strategy is supplemented by consecutive three-year work plans that are adopted by the CAALL Standing Committee on International Labour Affairs.

As well, MLA also manages labour affairs related to Aboriginal Self-Government Agreements and Comprehensive Land Claims Agreements. Specifically, MLA's mandate is to preserve the Government of Canada position of self-government as an existing Aboriginal right as per Section 35 of the *Constitution Act, 1982* and the *Inherent Right of Self-Government Policy, 1995.* Alongside this preservation, MLA also ensures that the jurisdiction of labour relations and working conditions in the Self-Government Agreements and Comprehensive Land Claim Agreements remains vested with the appropriate jurisdiction, most often found at the federal level.

Finally, the program functions as a Labour Program representative at the Federal Caucus on Self-Government and Comprehensive Claims. In this role, it provides input for Indigenous and Northern Affairs Canada's negotiations to ensure that Self-Government Agreement clauses support the Labour Program's position. It also advises their Associate Deputy Minister who participates in the Steering Committee responsible for finalizing decisions made at the Federal Caucus.

2.3 Key Activities, Stakeholders, and Partners

The program's key activities during the scope of this evaluation were to:

1. manage Canada's participation in the ILO through developing, implementing and supervising international labour standards, providing leadership and guidance on institutional governance, labour policy and technical cooperation;
2. support Canada's participation in non-ILO international fora by providing coherent, quality and timely input and advice;
3. implement strategies to ratify international labour standards (where applicable);
4. provide Secretariat services for the Canadian Association of Administrators of Labour Legislation, which supports federal-provincial-territorial Ministers and Deputy Ministers of Labour collaboration; and
5. manage two Canada-China memoranda of understanding, as well as related activities under these agreements and manage capacity-building projects with China.

Key Stakeholders include:

- the Minister of Employment, Workforce Development and Labour, ESDC;
- ESDC officials of Labour Program and the directorates of International Relations and Indigenous Affairs;
- Permanent Mission of Canada in Geneva;
- Federal departments (e.g., Global Affairs Canada, Transport Canada);
- Parliament of Canada;
- Canadian federally regulated workers and industries; and
- Canadian federally regulated Indigenous workers on reserves and industries.

Key Partners include:

- International Labour Organization;
- Organization for Economic Cooperation and Development;

- Other multilateral fora (e.g., G20, G7);
- Canadian Labour Congress, Confédération des syndicats nationaux , and the Canadian Employers' Council;
- Provincial and territorial labour ministries; and
- The forty member states of the ILO's Industrialized Market Economy Countries group.

3. Findings

3.1 Relevance

3.1.1 Multi-lateral Labour Affairs helps Canada meet its obligations

One of the program's major roles consists of helping Canada meet its international labour obligations vis-à-vis the International Labour Organization (ILO), of which Canada is a founding member. Canada is also an elected member of the ILO's Governing Body, which is responsible for electing the Organization's Director-General and adopting its draft program and budget for submission to the annual International Labour Conference.

The document review indicated that, on behalf of Canada, the following are the program's responsibilities:

1. Support Canada's government-employer-worker tripartite requirement regarding attendance at International Labour Conferences by coordinating the invitations to Canadian Labour Congress and Canadian Employers' Council representatives.[9] The MLA Director also attends in support of the Minister of Labour.
2. Coordinate the process amongst the national authorities that supports Canada's ratification of ILO instruments. This is achieved by preparing the necessary reports for submission to the federal Parliament, and coordinating and participating in discussions between partners and federal-provincial-territorial governments.
3. Report to the ILO on the status of Canada's ratified instruments,[10] including measures taken by the relevant jurisdictions to implement the Convention's provisions, and to report, on an annual basis, on the fundamental conventions that have not been ratified by Canada under the follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work.
4. Address the ILO's freedom of association principles (e.g., right to join a union, collectively bargain) by coordinating the domestic process that responds to complaints made by Canadian workers' organizations regarding specific legislation.

[9] For example, approximately half of MLA's 2015-16 non-salary budget paid for the travel expenses of members of the Canadian tripartite delegation to the 2015 International Labour Conference.
[10] ILO conventions or recommendations.

3.1.2 Multi-lateral Labour Affairs' objectives align with Government of Canada priorities, ESDC Strategic Outcomes, roles and responsibilities

All Speeches from the Throne issued during the evaluation period stressed Canada's commitment to trade and identified the promotion and protection of human rights as an ongoing priority of the Government of Canada.

A few interviews with Government of Canada representatives and the document review indicated that the program does not have explicitly stated program objectives. However, other key informant interviewees stated that global expected outcomes[11] are aligned with ESDC's Strategic Outcome for a safe, fair and productive workplace and cooperative workplace relations.

The document review noted that program did not have a Performance Information Profile. At present, the program is in the process of completing a logic model that describes their program activities and how they link to their immediate, medium, and long term expected outcomes (see Annex 1). The lack of documentation related to the program objectives, activities and expected outcomes, as well as the nature of the program activities which focus on three different areas of labour (i.e., international, domestic, Indigenous affairs) was a challenge for the evaluation of the program.

Canadian businesses remain globally competitive and do not experience unfair competition from partner countries

According to the document review, the continued globalization of labour markets leads to the integration of workers and companies from developing and industrialized economies. As a consequence, the production and distribution within supply chains are increasingly located wherever materials and labour can be found at competitive prices.

Prior to MLA's restructuring, the division negotiated provisions on behalf of Canada, for various trade agreements, including commitments to international labour standards and principles. MLA provided guidance regarding content related to international labour standards and principles within each labour chapter of trade agreement.

According to the key informant interviews, activities during 2010-11 to 2015-16 also aligned with the Government of Canada's roles and responsibilities in the field of international labour standards. The document review revealed that, in support of Canada's roles and responsibilities, work was undertaken related to the ILO obligations, and the provision of policy and technical advice on working conditions and labour standards matters at international multilateral fora (e.g., G7, G20, OECD). The program also supports and manages the cooperative activities under the Canada-China agreements, and coordinates the domestic social dialogue on labour issues, including those related to international labour standards.

[11] Defined during the evaluation planning stage in consultation with the program.

The document review and key informant interviewees also indicated efforts in international labour fora (e.g., ILO, G7, G20, OECD labour/employment-related meetings) contributes to Canada's work with partner countries. This works promotes social justice and labour standards that foster decent labour practices and improve the fundamental rights of workers, including the more vulnerable segments of their populations. In turn, this improves countries' observation of those standards and helps create an environment where Canadian workers and employers have a fair and equal chance of succeeding, thereby supporting Canada's trade and foreign policy objectives.

Key informant interviewees stated that promotion of labour rights to improve the labour conditions in those countries where Canadian companies partner to source labour, helps to advance Canada's priority of pursuing trade liberalization, while respecting human rights.

3.1.3 Complementing the work of other departmental units or Federal Government Departments

The document review did not find evidence of other ESDC areas or Government of Canada departments doing the same or similar work as the program. Additionally, there was a consensus among the key informant interviewees, which was supported by the document review, that no other area in ESDC or other government departments are involved in such specific activities.

The program coordinates and cooperates with other areas within ESDC and with other federal government departments to the extent that it relates specifically to working conditions and labour. Examples include: 1) internal departmental consultation on working conditions and labour issues to support Canada's work with non-ILO multilateral organizations (e.g., G7, G20, OECD), and 2) ESDC's work with Global Affairs Canada to prepare statements for the Committee on the Application of Standards addressing human rights violations.

3.2 Effectiveness

3.2.1 Successful supporting Canada in meeting its international obligations and contributing to discussions on international labour standards

The document review indicated that a tripartite Canadian delegation headed by the Minister of Labour at the 2013 International Labour Conference, successfully influenced the outcome documents adopted by the Conference on social dialogue, sustainable development, decent work and green jobs, and on employment and social protection.

The program produced timely annual reports during the evaluation period. The exception was the 2014-2015 fiscal year when interviewees indicated they were late and incomplete. Interviewees linked this to a reduction in resources, specifically in-house expertise.

Participation in international and multilateral fora to meet Canada's international obligations

Several key informant interviews noted that Canada has been an active participant at the ILO meetings and the annual international labour conferences where it has successfully raised the issues of outdated labour standards onto the annual conference agenda.

Key informant interviews also pointed to Canada's influence at the ILO. Specifically, when negotiating international standards, Canada has influenced language that: 1) reflects Canadian values and interests (e.g., introduction and inclusion of gender neutral language), 2) provides for fair, decent, comprehensive and non-discriminatory labour relations and working conditions, and 3) provides for strong protections while being flexible by considering the different national realities, so that countries can ratify and implement these provisions.

Canada advocated for the ILO conventions to be principles and outcomes-based treaties rather than rules-based treaties, in order to facilitate the increased ratification and implementation by member States. This makes it easier for Canada to ratify conventions that require concurrence from the provinces and territories. The *Promotional Framework for Occupational Safety and Health Convention (No. 187)* ratified by Canada in 2011, was a good example of a framework convention drafted using this style.

Canada is the permanent Chair of the Industrialized Market Economy Countries group. The program has been managing the coordination of views amongst its 40 country participants on a range of issues, including the development of statements for the Governing Body on ILO institutional governance and policy directions. In this role, Canada also is a member of the steering group that establishes the ILO Governing Body's agenda.

According to interviews, Canada has been represented by program management (Director and Deputy Director) at the Industrialized Market Economy Countries group during the evaluation period. During the same period, this group led institutional and governance reform efforts at the ILO which included the implementation of results-based management, strengthened audit and evaluation functions, as well as strategic planning and budgeting frameworks of the ILO. Key achievements of these efforts include: 1) the ILO budget 2016-17, which represented a zero growth budget in line with the Government of Canada's longstanding position; 2) 2015 International Labour Conference (the 104th Session of the Conference); and 3) Canada was selected as one of the nine government members sitting on the Working Group of the Conference Committee on the Application of Standards in 2015.

The program contributed to further governance and cost efficiencies through a major and successful reform of the ILO Governing Body. It was also involved in the successful trialling of a two-week meeting of the International Labour Conference in 2015, instead

of its usual three week time span. The conference's shorter duration became the status quo going forward.

Canada used the Industrialized Market Economy Countries group to influence ILO decisions. For instance, the ILO's 2016-17 zero-growth budget was in line with the Government of Canada's longstanding position. As well, Canada was selected in 2015 as one of nine government members in the Working Group on the Working Methods related to the Committee on the Application of Standards. As a member, Canada facilitated the smooth functioning of this Committee.

Canada also participates in supervision of international labour standards. Interviews conducted in support of this evaluation indicated that Canada reviews and monitors the application of ILO conventions by member states at the ILO's annual Committee on the Application of Standards. In this role, Canada intervenes on three to six cases per session. As well, as an elected member of the Governing Body, Canada is involved in the supervision process of complaints alleging non-application of ratified conventions by member States.

It is important to mention that ESDC also collaborates with Global Affairs Canada's Permanent Mission of Canada in Geneva, in order to influence a variety of international labour standards decisions.

Participation and coordination in domestic fora to advance Canada's international labour standards

The program supports domestic dialogue related to international labour standards through its role as Secretariat to the Canadian Association of Administrators of Labour Legislation (CAALL). The Secretariat supported all components of the CAALL, managed the annual federal-provincial-territorial Ministers of Labour meeting, and coordinated the Deputy Ministers of Labour meetings. Further coordination included, workshops with federal-provincial-territorial governments, and tripartite roundtables composed of federal-provincial-territorial officials, social partners and other non-governmental entities.

Coordinating processes domestically with regard to Canada's ratification of ILO conventions

According to the document review and key informant interviews, Canada ratified four ILO conventions through the CAALL fora during the evaluation period: *Forced Labour Convention (No. 029), Promotional Framework for Occupational Safety and Health Convention (No.187), Maritime Labour Convention 2006* as well as its amendment, and the *Tripartite Consultation (International Labour Standards) Convention (No. 144)*. During the evaluation period, the program also carried out activities that subsequently led to the ratification of two more conventions and the amendment of a third (see Annex 4).

Examples of other international labour standards related discussions held through the CAALL fora and the annual Federal/Provincial/Territorial workshop on ILO-related issues during the evaluation period include:

- the 2010, 2011, 2014, and 2015 preparations for the International Labour Conference where standards are under discussion;
- a technical review of the *Minimum Age Convention (No. 138)* at a 2012 Federal-Provincial-Territorial Workshop;
- the 2013 extension of the 2011-13 *Federal-Provincial-Territorial Strategy on Canada and the ILO* and Action Plan;
- the discussion of corporate social responsibility initiatives of Canadian companies following a 2013 incident where poor working conditions were cited in a Bangladesh garment factory collapse that killed over 1,000 workers; and
- complaints by workers organizations submitted to ILO against Canadian governments.

Key informant interviews indicated that the program can face multiple challenges in coordinating domestic processes related to the ratification of conventions. For example, there must be adherence to the division of jurisdictional powers in Canada,[12] yet this requirement can affect receipt of timely feedback from partners, affecting the ability to move forward on Canada's ratification-related commitments. This situation occurred during the ratification of Convention No. 138 referenced above. While it was eventually ratified in June 2016, it experienced a delay as not all stakeholders had assigned the same level of priority to the technical review and the ratification processes.

Other labour issues domestically discussed

During the evaluation period, the number of active Committee on Freedom of Association complaints against Canada was reduced. Of the 109 cases identified during the evaluation period, nine were closed, three were still active, and one was undergoing follow-up. Three more cases which opened just before the evaluation period require follow-up.

Issues frequently raised with the Committee related to the right to strike and to bargain collectively, and legislatively imposed agreements. For example, technical support and its facilitation as a liaison to the ILO contributed to the withdrawal of a Quebec law that restricted the right of daycare workers to strike and collectively bargain.

Also part of the Secretariat to the CAALL role is the responsibility to provide a coordination function to its five labour-related standing committees (e.g., Occupational Safety and Health, International labour Affairs, Labour Standards).

Key informant interviewees reported that the annual meeting of federal-provincial-territorial ministers of labour are opportunities for the program to

[12] See section 2.2 for details.

promote cooperation between the two levels of government and its partners on labour issues. However, some mentioned the need for more regular communication and follow-up by the federal government with the provincial and territorial governments in order to keep these governments up-to-date on federal priorities and strategic directions.

Collaboration with federal government departments to advance International Labour Standards

The Multi-lateral Labour Affairs program within ESDC helps to ensure that Canada's labour issues are addressed in a coherent and consistent manner across international fora. The following illustrate examples of the program's input towards non-ILO multilateral fora, and their collaboration with departments during the evaluation period.

- Provision of technical support and advice on labour related issues and working conditions at the OECD, the G20 and G7, and the UN General Assembly. Examples include various documents of the 2015 G7 Labour and Development Ministerial Declaration on global supply chains, and the 2015 G20 Labour and Employment Ministerial Declaration on Occupational Health and Safety.
- Collaboration with Transport Canada on all maritime-related files (e.g., adoption of the *Maritime Labour Convention 2006* and its subsequent amendment at the ILO), with Justice Canada and the Treasury Board Secretariat on the ratification and implementation of the *Convention on Forced Labour (No. 029),* and with Immigration, Refugees and Citizenship Canada on the *Recommendation concerning Decent Work for Domestic Workers (No. 201)* and the *Domestic Workers Convention (No. 189).*
- Provision of guidance on international labour standards and ILO obligations to Canada's National Contact Point, a Global Affairs Canada chaired intergovernmental committee regarding OECD's guidelines for multinational enterprises. The program also attended four information sessions on the guidelines.
- Provision of input to the Department of Fisheries and Oceans Canada regarding a United Nations request related to small-scale fisheries guidelines.

Key informant interviews noted that as the Canadian representative at the International Labour Conference, it is important to be very well informed on the various federal departments' positions or concerns about ILO decisions. Several key informant interviewees indicated that there is a need for better coordination and effective communication between ESDC and other Government of Canada departments[13], in order to ensure the timely presentation of Canada's position at the ILO and other international fora.

[13] For example, key informant interviews noted that MLA has had to delay speaking at the ILO until being apprised of Global Affairs Canada's position on issues. COMMENT: A specific example might be useful in order to enable a better response.

Supporting Indigenous Self-Government Agreements and Comprehensive Land Claim Agreements

On behalf of ESDC, Multi-lateral Labour Affairs contributes to the negotiations related to the Indigenous Self-Government Agreements[14] and the Comprehensive Land Claim Agreements. The program ensures that the Government of Canada's legislative and policy interests related to labour affairs are upheld in the agreements. At the *Federal Caucus on Self-Government and Comprehensive Claims* negotiations, it advocates Canada's position through discussions with Indigenous and Northern Affairs Canada and/or Indigenous communities. It also ensures due diligence by analyzing Self-Government Agreements and ensuring that clauses support the Labour Program's position. Additionally, the program advises the Labour Program's Assistant Deputy Minister who is a member of the interdepartmental Federal Steering Committee that reports to the Federal Caucus.

Indigenous self-government agreements and comprehensive land claims documentation indicated that the program is actively involved in approximately half of the 93 negotiations currently underway. Interviews noted that the program lacks the resources and direction needed to address the labour portion of such Agreements and Land Claims.

3.2.2 Supporting Canada's labour, trade and human rights' policies

In supporting Canada's commitments to the ILO and through its active participation in labour related discussions and decisions, Government of Canada's trade interests and Canadian businesses and workers in the globalized economy are protected and Canadian values in terms of workers' rights and social justice are promoted. The document review found that the program contributes to Canada's trade agenda and policy by providing input on labour chapters in various trade agreements. Interviewee indicated that the program helps advance the Government of Canada's foreign policy on human rights, trade and international development. In addition, consultations with other government departments ensure Canada's position on human rights is consistent with its position on labour rights and coherent across foreign policy and labour policy. Key informant interviews indicated that the program's involvement in international labour standards related discussions and their development supports Canada's ability to remain globally competitive by ensuring that Canadian businesses do not experience unfair competition from partner countries. As per the document review this includes, for example, supporting the content development of Free Trade Agreements to ensure that Canada's competitive position is not undermined by substandard labour protections or the ineffective enforcement of labour laws by its partner countries.

[14] Formerly Aboriginal self-government Agreements

Protecting workers' rights through the promotion of human rights and social justice

The program works in international labour fora (e.g., ILO, OECD) to promote social justice and labour standards. For example, it represents ESDC at the National Contact Point, an interdepartmental committee chaired by Global Affairs Canada that addresses *OECD Guidelines for Multinational Enterprises* on behalf of Canadian business community. These Guidelines are governmental recommendations of good business practices for multinational enterprises to employ that can include matters regulated by national law or international commitments.

In support of Canada's commitment to promote responsible business practices (e.g., corporate social responsibility), and encourage Canadian companies working internationally to respect all applicable laws and international standards the program provided guidance on international labour standards and Canada's ILO obligations to the National Contact Point committee. Interviewees noted that Canada's lack of a government-wide corporate social responsibility policy hinders the advancement of labour conditions and regulations.

Promotion of Labour Standards through Trade agreements

During the evaluation period, guidance was provided on international labour standards content for Canada's Free Trade Agreements with Colombia (2011), Jordan (2012), Panama (2013), Honduras (2014), and Korea (2015). Assistance was also provided in the development of labour chapters for other free trade agreements involving Canada, such as the Trans-Pacific Partnership and the Canada-Ukraine Free Trade Agreement.

Promotion of International Labour Standards through agreements with potential trade partner countries

In 2012, the *Canada-China Memorandum of Understanding on Cooperation in the Field of Occupational Safety and Health* was signed, while the 2007 *Canada-China Cooperation Framework in the Field of Industrial Relations and Labour Standards* was renewed in 2012 and 2016. The program supported the development of both agreements. Under the Cooperation Framework with China, ESDC secured funds for four projects and provided the technical assistance to facilitate dialogue through project activities such as joint workshops and seminars, research, and the exchange of knowledge and experience.

Key informant interviews and the document review indicated that the projects facilitated the establishment of a constructive dialogue and a cooperative relationship with China. The management of the four projects[15] supported the strengthening of Canada-China labour cooperation to help ensure the ILO fundamental principles and rights at work are respected in Canada and China.

[15] Project details are found in Annex 2.

3.3 Efficiency and Economy

Key informant interviewees stated the program could benefit from having more in-house expertise, high-level representatives at the International Labour Organization (ILO) and adequate funding to meet those purposes. They indicated that program resources were reduced by 40 percent during the evaluation period, and as a result, the program could not achieve all its objectives using fewer resources or be more efficient. For instance, interviews with the key informants explained that the resource decline affected the program's ability to efficiently contribute to activities related to participation at the International Labour Conference and at relevant ILO meetings, Indigenous labour matters, and ratifying conventions.

The resource decline also affected the provision of better informed policy on labour issues and the facilitation of the discussions related to the federal-provincial-territorial Ministers and Deputy Ministers of Labour. A key informant interviewee noted that MLA's human resource for labour issues at the permanent mission in Canada office in Geneva is funded by Global Affairs Canada and also works on other files (e.g., UN system-wide governance).

Based on the key informant interviews, historically there was a full contingent, including provincial and territorial members that represented Canada at the International Labour Conference. The document review showed that approximately half of the program's 2015-16 non-salary budget was used to pay the travel expenses of members of the Canadian tripartite delegation to the 2015 International Labour Conference in Geneva. At this Conference, instead of having one government spokesperson and one technical advisor at each of its Technical Committees, there was one person addressing both roles. The document review revealed that "fiscal restraint measures" prevented the payment of travel expenses for provincial and territorial government officials to attend the 2014 International Labour Conference, which diminished their engagement on international labour issues.

Table 1: MLA Financial and Human Resources from 2010-11 to 2015-16

Fiscal Year	Salary	Non-salary	Total (Salary & Non-salary)	Full-time Equivalents (average[16])
2010-11	$1,444,807	$420,408	$1,865,215	21
2011-12	$1,376,695	$303,893	$1,680,588	17
2012-13	$1,348,728	$333,237	$1,681,965	18
2013-14	$1,369,903	$227,308	$1,597,211	19
2014-15	$1,103,780	$264,491	$1,368,271	12
2015-16	$986,636	$238,554	$1,225,190	12

Source: Policy, Dispute Resolution, and International Affairs Branch, Labour Program, December 2016

[16] If staffing levels fluctuated over the 12 month fiscal year, the average number of full-time equivalents was used.

Table 1 indicates the program's salary and non-salary operating budget and human resources decreased annually from approximately $1.9M with 21 full-time equivalents in 2010-11 to $1.2M and 12 full-time equivalents by 2015-16. The documents consulted do not provide an explanation for this change.

4. Conclusion and Recommendations

The evaluation findings indicate a continued need for the Multilateral and Labour Affairs program as it plays a unique role in representing Canada in international forums where labour issues and standards, and workers' human rights and social justice are discussed. In the development and promotion of labour standards and social justice nationally and internationally, the program supports Canadian businesses' competitiveness against substandard labour protections, or ineffective enforcement of labour laws, in partner trading countries while also protecting workers' rights.

Prior to this first evaluation, the program's activities and expected outcomes were not documented and the Program did not have a logic model or a Performance Information Profile to articulate the link between activities and its expected outcomes. However, the program began developing a draft logic model during the latter stages of the evaluation (see Annex 1).

The program supports Canada as a founding member of the International Labour Organization and as a member of its Governing Body, in fulfilling its international obligations stemming from Canada's commitments to international labour standards.

The program develops Canada's positions on labour policy issues in consultation with stakeholders and social partners, including federal government departments and provincial and territorial governments. Further, the program negotiates international labour standards on behalf of Canada.

MLA coordinates the implementation of conventions and recommendations adopted at the International Labour Conference and the national process for these instruments to be ratified by Canada.

As the Secretariat to the CAALL and its five standing committees, the program creates an environment for discussing international standards and national labour-related issues that affect Canada. It also facilitates to build a national consensus and coherent position on international labour issues, including trade agreements.

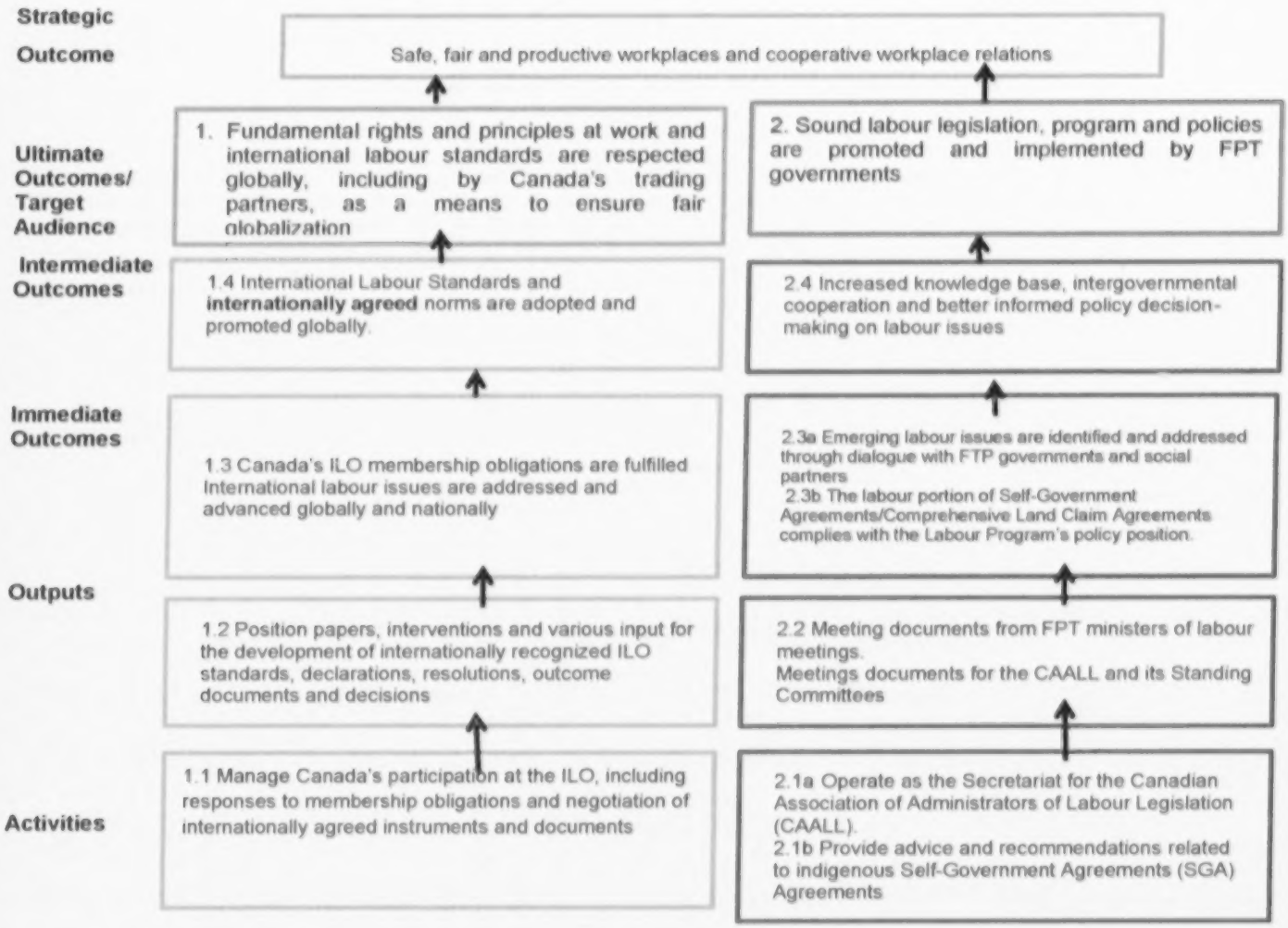
The evidence gathered for this evaluation points to constraints over the years, which has meant that the program was not been able to fulfill all of its international and domestic obligations.

Recommendations

1. The program could improve communications with various domestic stakeholders in order to meet the reporting timelines.

2. The program could benefit from a thorough assessment of its resource requirements to ensure that Canada is represented at appropriate level(s) in international forums, while continuing to meet its other international and domestic obligations.

Annex 1: Draft MLA Logic Model


Strategic Outcome
Safe, fair and productive workplaces and cooperative workplace relations
Ultimate Outcomes/ Target Audience
1. Fundamental rights and principles at work and international labour standards are respected globally, including by Canada's trading partners, as a means to ensure fair globalization
2. Sound labour legislation, program and policies are promoted and implemented by FPT governments
Intermediate Outcomes
1.4 International Labour Standards and internationally agreed norms are adopted and promoted globally.
2.4 Increased knowledge base, intergovernmental cooperation and better informed policy decision-making on labour issues
Immediate Outcomes
1.3 Canada's ILO membership obligations are fulfilled International labour issues are addressed and advanced globally and nationally
2.3a Emerging labour issues are identified and addressed through dialogue with FTP governments and social partners
2.3b The labour portion of Self-Government Agreements/Comprehensive Land Claim Agreements complies with the Labour Program's policy position.
Outputs
1.2 Position papers, interventions and various input for the development of internationally recognized ILO standards, declarations, resolutions, outcome documents and decisions
2.2 Meeting documents from FPT ministers of labour meetings.
Meetings documents for the CAALL and its Standing Committees
Activities
1.1 Manage Canada's participation at the ILO, including responses to membership obligations and negotiation of internationally agreed instruments and documents
2.1a Operate as the Secretariat for the Canadian Association of Administrators of Labour Legislation (CAALL).
2.1b Provide advice and recommendations related to indigenous Self-Government Agreements (SGA) Agreements
Inputs
Obtain resources – including financial and non-financial – adequate to deliver the program activities
1. MULTILATERAL ENGAGEMENT
2. INTERGOVERNMENTAL ENGAGEMENT

Annex 2: Evaluation Matrix

Evaluation Sub-questions	Indicators	Document Review	Interview
Evaluation Question 1: Is there a continued need for MLA?			
1.1 If so, how do you know this?	a. Evidence and statistics on international labour issues[17] b. Canadian International commitments c. Evidence of others doing same/similar activities d. Percentage of decisions where Canada influenced international labour standards decision.	X	X
1.2 How does Canada benefit from or why does Canada need to be involved?		X	X
1.3 How do workers/businesses benefit from MLA work?		X	X
1.4 Should some other ESDC area or federal department be involved in any MLA activities?		X	X
1.5 Are international labour standards improving (e.g., stronger, broader coverage)?		X	X
Evaluation Question 2: To what extent do MLA objectives align with:			
2.1 Government of Canada priorities?	----	X	----
2.2 ESDC strategic outcomes?	----	X	----
2.3.1 What is the Government of Canada's roles / responsibilities related to international labour standards for workers and businesses? 2.3.2 In what ways does MLA contribute to the Government of Canada's roles and responsibilities?	a. Level of consistency between MLA objectives / activities and the Government of Canada's roles and responsibilities.	X	X
Evaluation Question 3: To what degree do MLA business lines / activities contribute towards achieving its expected outcomes?			

[17] All indicators (a-d) apply to all sub-questions under Evaluation Question 1.

Evaluation Sub-questions	Indicators	Document Review	Interview
3.1 Are MLA activities / business lines aligned to address its expected outcomes? 3.2 What progress has been made in achieving expected outcomes? 3.3 Are there any challenges in achieving expected outcomes? 3.4 What are the key factors for success?	a. Factors / items / activities completed that show MLA is addressing its outcomes.[18] b. Number of cases where Canada's position influenced an international labour standard decision (e.g., in person, by writing). c. Number of Self-Government Agreements supported by MLA policy information. d. Number of (non-ILO) international labour standard items for international discussion that MLA provided support on. e. Number of ILO Committee on Freedom of Association complaints resolved. f. Number of ILO member state obligations addressed. g. Number of fora decisions Canada supported through to implementation. h. Number of cases federal governments and provinces and territories have consensus on international labour issues.	X	X (except indicators c, d, f, h)
Evaluation Question 4: How can MLA be more efficient in meeting its objectives and/or outcomes?			
4.1 What could MLA do differently (e.g., application of resources) to help achieve its outcomes more efficiently?	a. Evidence of activity / outcomes gaps, overlaps that have occurred. b. Evidence of objectives, outputs or outcomes that were not met. c. Evidence of others who've done the same / similar work as MLA. d. Percentage of time, financial, and human resources (full-time equivalents) is spent on each business line? Is that proportional to the line's importance / Government of Canada priority? e. Evidence of salary / non-salary / full-time equivalent resources (planned, actuals).	X	X (except for indicator e)

[18] All indicators (a-h) apply to all sub-questions under Evaluation Question 3.

Annex 3: Agreements and Projects with China

1. *Canada-China Memorandum of Understanding on Cooperation in the Field of Occupational Safety and Health* was signed in 2012, benefits Canadian businesses and workers by help ensuring Canada's competitive position is not compromised by poor labour protections in China. In particular, interviewees noted that Canada helps develop international occupational health and safety standards. They further stated Canada provides technical assistance in the areas of labour legislation and capacity building in specific countries.

2. *Canada-China Cooperation Framework in the Field of Industrial Relations and Labour Standards, originally* signed 2007 was renewed in 2012 and 2016. During the evaluation, MLA supported and managed four technical assistance projects under the Framework with objectives such as strengthening Canada-China labour cooperation in targeted areas.

The following projects contributed to a strengthened relationship with the Chinese government:

Project 1: The Canada-China Joint Seminar on Labour Dispute Resolution project (May 2013): A $117,000 grant agreement brought together over 35 Canadian and Chinese academics, government, labour and employer representatives to exchange knowledge and experience in the areas of industrial and labour relations.

Project 2: The Canada-China Joint Seminar on Collective Bargaining and Labour Dispute Resolution project (May 2014): The $100,000 grant included activities that reinforced Canada's commitment to engaging China on labour issues and strengthened Canada-China labour cooperation.

Project 3: The Labour Mediator and Arbitrator Capacity Building Project (March 2016) received $300,000 in funding in 2014-15 and another $300,000 the following year.

Project 4: Canada-China Forum on Industrial Relations (May 2011): The $100,000 grant included activities to exchange information and practices on issues related to industrial relations and labour standards.

Annex 4: ILO Conventions Ratified by Canada

The following four conventions were ratified by Canada during the evaluation period:

1. *Maritime Labour Convention 2006*, was ratified in June 2010. It provides international standards for seafarers and quality ship owners regarding most aspects related to working and living conditions.
2. *Forced Labour Convention (No. 029)*, was ratified in June 2011 and aims to suppress the use of forced or compulsory labour in all forms.
3. *Promotional Framework for Occupational Safety and Health Convention (No.187)*, ratified in June 2011, promotes continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths.
4. *Tripartite Consultation (International Labour Standards) Convention (No. 144)*, was ratified in June 2011. It establishes the meaning of "representative organizations" of employers and workers. It also requires ratifying states to operate procedures that ensure effective consultations between government, worker, and employer representatives regarding International Labour Conference agenda items.

MLA also carried out activities during the evaluation period which led to two more conventions being ratified and a third one being amended following the evaluation period:

1. *Minimum Age Convention (No. 138)* was ratified in June 2016. Various discussions leading to its ratification were held (e.g., 2011 federal-provincial-territorial Ministers' workshops on ILO issues).
2. *Maritime Labour Convention 2006* was amended in July 2016.
3. *Right to Organize and Collective Bargaining Convention (No. 098)* was ratified in June 2017. This convention protects workers against acts of anti-union discrimination and promotes collective bargaining. During the evaluation period, the Convention was discussed at the federal-provincial-territorial Workshop on ILO Issues, and the technical review by all jurisdictions was launched.